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October 28, 2004

Jeff S. Jordan, Esq.
Federal Election Commission
990 E Street
Washington DC 20463

RE: Phoenix Group, LLC
Your reference # 5560

Dear Mr. Jordan:

I am writing on behalf of Phoenix Group, LLC and S. Larry Schlesinger in response to your letter of October 19, 2004 concerning a contribution to Ed Case's campaign. It appears that an individual named Paul Dunlop has submitted this complaint stating that: "Case accepted a prohibited \$1,000 contribution from Phoenix Group LLC which is also registered as Maui Plastic Surgery Corporation."

The purported grounds for this complaint are identical to those set forth in an earlier complaint made by an individual named Justin Pitullo. As stated in the response to the Pitullo complaint, Phoenix Group, LLC is a limited liability company whose sole member is Dr. Schlesinger. Maui Plastic Surgery Corporation has no ownership interest or management functions with respect to Phoenix Group, LLC. There is a reference to Maui Plastic Surgery Corporation if a search for Phoenix Group, LLC is performed on the website for the Department of Commerce and Consumer Affairs of the State of Hawaii ("DCCA"). However, that reference merely reflects that Maui Plastic Surgery Corporation consented in 1999 to use of the name "Maui Plastic Surgery." Phoenix Group, LLC's former name was Maui Plastic Surgery, LLC, which was a distinct and separate entity from Maui Plastic Surgery Corporation. Maui Plastic Surgery Corporation was not involved in any way with the contribution made to the Case campaign. (For your easy reference, I have included a copy of my July 20, 2004 letter regarding the Pittullo complaint with enclosure.)

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After submitting our response, we received notification that the FEC would take no action on the Pitullo complaint and that its file had been closed on that matter. (See copy of enclosed letter from Allan D. Silberman dated September 10, 2004.)

We believe that the instant complaint also warrants no further action and should be dismissed insofar as it concerns Phoenix Group, LLC.

If you have any questions about this matter, please feel free to contact me.

Very truly yours,



Matthew V. Pietsch

Enclosures

cc: S. Larry Schlesinger, M.D. (w/out enclosures)

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